

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

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February 11, 2005

Mr. Tim Raney
Community Development Director
City of Oakley
3639 Main Street
Oakley, CA 94561

Dear Mr. Raney:

Re: Review of the City of Oakley's Revised Draft Housing Element

Thank you for submitting revisions to Oakley's draft housing element, received December 15, 2004. Supplemental information regarding the City's housing element was received by the Department on January 21, and February 11, 2005. As you know, the Department is required to review draft housing element amendments and report the findings to the City pursuant to Government Code Section 65585(b). The review was facilitated by several telephone conversations with Ms. Melinda Coy, the City's consultant.

Oakley's revised housing element addresses most of the statutory requirements identified in the March 21, 2003 review. For example, the element now includes a program to identify sites where the development of emergency shelters and transitional housing is permitted and clarifies the adequacy of services and facilities available to residential sites. However, the element must still be revised as described below to comply with State housing element law (Article 10.6 of the Government Code):

Housing Programs

Identify adequate sites which will be made available through appropriate zoning and development standards and with services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, housing for agricultural employees, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).

In lieu of identifying sites with appropriate densities to accommodate the City's share of the regional housing need for lower income households, Oakley proposes to apply a density overlay to

sites with a multifamily-high (MFH) zoning designation. Such overlays may be appropriate to address a portion of the adequate sites requirement. However, the element does not describe the overlay, its incentives, or application in sufficient detail to evaluate its adequacy to accommodate the City's remaining regional housing need. In addition, because development can occur either at the underlying density *or* the higher density of the overlay, the program should commit to substituting additional overlay sites should any project be developed under the base density standards. Therefore, the element should either be revised to demonstrate the adequacy of this approach or identify alternative sites at appropriate densities to accommodate Oakley's share of the regional housing need. We would be happy to continue working with the City on an expedited basis to address this remaining requirement.

Once the element has been revised to address this requirement, it will be in compliance with state housing element law.

The Department appreciates the assistance provided by Ms. Coy during the course of the review. If you have any questions or would like additional assistance including a meeting in Oakley, please contact Michelle Woods, of our staff, at (916) 327-8881.

In accordance with requests received pursuant to the Public Records Act, we are forwarding a copy of this letter to the individuals listed below.

Sincerely,



Cathy E. Creswell
Deputy Director

cc: Melinda Coy, Consultant,
Mark Stivers, Senate Committee on Transportation & Housing
Suzanne Ambrose, Supervising Deputy Attorney General, AG's Office
Terry Roberts, Governor's Office of Planning and Research
Nick Cammarota, California Building Industry Association
Marcia Salkin, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Rob Weiner, California Coalition for Rural Housing
John Douglas, AICP, Civic Solutions
Deanna Kitamura, Western Center on Law and Poverty
S. Lynn Martinez, Western Center on Law and Poverty
Alexander Abbe, Law Firm of Richards, Watson & Gershon
Michael G. Colantuono, Colantuono, Levin & Rozell, APC
Ilene J. Jacobs, California Rural Legal Assistance, Inc.
Richard Marcantonio, Public Advocates
David Booher, California Housing Council
Sue Hestor, Attorney at Law
Paul Campos, Home Builders Assoc. of Northern California

Eve Bach, Arc Ecology
Allison Brooks, Livable Communities Initiative
Charlie Carson, Home Builders Association – Northern Division
Martin R. Engelmann, P.E., Contra Costa Transportation Authority